

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RANDY SWINSON,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

20-CV-1788 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated in the Manhattan Detention Center, brings this *pro se* action under 42 U.S.C. § 1983, alleging that Defendants are denying him access to social services. By order dated March 3, 2020, the Court directed Plaintiff to: (1) resubmit the signature page of the complaint and the two-page application for the Court to request counsel with original signatures; and (2) either pay the \$400.00 in filing fees that are required to file a civil action in this Court or submit an amended *in forma pauperis* (IFP) application and a prisoner authorization, within thirty days of the order. (*See* ECF No. 4.) For the following reasons, the Court vacates the March 3, 2020 order and dismisses this action.

DISCUSSION

Plaintiff has submitted to this Court a substantially similar complaint that is pending under case number 20-CV-0994 (UA). Because this complaint raises the same claims against the same defendants, no useful purpose would be served by the further litigation of this duplicate lawsuit. Therefore, this action is dismissed without prejudice to Plaintiff's pending action under case number 20-CV-0994 (UA). The Court also vacates its March 3, 2020 order (ECF No. 4).

In light of the Court's belief that Plaintiff may have submitted this complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or

Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff's complaint is dismissed without prejudice as duplicative. The Court vacates the March 3, 2020 order (ECF No. 4). The Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit. All other pending matters are terminated.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 4, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge